

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | Criminal No. 5:23-MJ-632 (TWD) |
| |) | |
| v. |) | Stipulation and Order |
| |) | for Enlargement of Time |
| PATRICK DAI |) | |
| |) | |
| |) | |
| Defendant. |) | |

STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, Patrick Dai, by and through counsel, Lisa Peebles, Esq., hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and including sixty (60) days from the date of the order, and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

- 1) The chronology of this case is as follows:
 - a) Date of complaint: November 1, 2023
 - b) Date of initial appearance: November 1, 2023
 - c) Defendant custody status: Pretrial detention
- 2) There have been no prior exclusions of time under the Speedy Trial Act.
- 3) The United States and/or the defendant request this exclusion based on the following facts and circumstances:

a) The ongoing investigation into the defendant's criminal activity includes the forensic examination of the defendant's electronic devices. The parties require the additional time to allow for completion of the forensic analysis of said electronic devices. Until the full examination is complete, the extent of the defendant's crime, and any defense thereto, cannot be determined.

4) The parties stipulate and agree that the ends of justice served by granting this extension outweigh the best interest of the public and the defendant in a speedy indictment and trial because the arrest occurred at a time such that it is unreasonable to expect return and filing of an indictment within the period specified in section 3161(b), taking into account the exercise of due diligence (see 18 U.S.C. § 3161(h)(7)(B)(iii)).

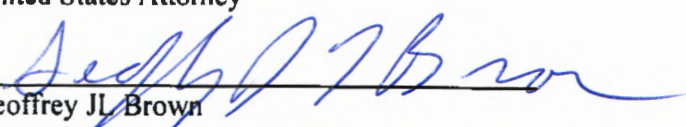
5) The parties stipulate and agree that the 60 day period from the date of the order, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iii).

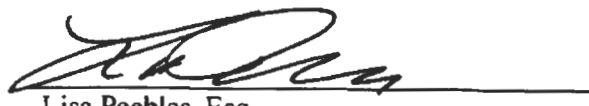
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: 11/20/23

CARLA B. FREEDMAN
United States Attorney

By:


Geoffrey J. Brown
Assistant United States Attorney
Bar Roll No. 513495


Lisa Peebles, Esq.,
Attorney for Patrick Dai
Bar Roll No. 507041

ORDER

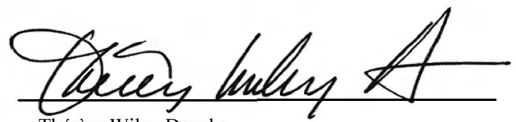
A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

1. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy indictment and trial because the arrest of the defendant for effective preparation for the return and filing of an indictment, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including sixty (60) days from the date of this Order, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this 20 day of November, 2023.


Thérèse Wiley Dancks
United States Magistrate Judge